

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.
OCT 11 2018
Clerk
SAC
BROOKLYN OFFICE

KALIKA BHAGWAT and NARESH
PERSAUD,

Plaintiffs. : ORDER

-against- : 14-CV-5474 (ENV) (PK)

QUEENS CARPET MALL, INC., and
JAANKIE TULSIE, individually,

Defendants. :

x

VITALIANO, D.J.

This action was filed on September 18, 2014, by plaintiff Kalika Bhagwat, against defendants Queens Carpet Mall, Inc., and Jaankie Tulsie, alleging violations of the Fair Labor Standards Act and the New York Labor Law. Dkt. Nos. 9-1, 10-1. Defendants have not appeared or otherwise responded to the complaint. Their time to do so has long since passed. On three prior occasions, plaintiffs filed motions for default judgment, which were denied without prejudice. Nos. 13, 21, 27. Plaintiffs then renewed their motion for default judgment, Dkt. No. 28, which was referred to Magistrate Judge Kuo for an assessment of liability and an inquest as to damages. *See Order, May 9, 2018.* After an inquest, Judge Kuo determined that plaintiffs had failed to comply with Local Civil Rule 55.2(c) by mailing the Motion and papers to the incorrect address, but allowed them to correct their error. *See Minute Entry for August 9, 2018, and Order dated August 10, 2018, amending Minute Entry.*

By Report and Recommendation (“R&R”), dated September 12, 2018, Judge Kuo recommended that the motion for a default judgment be granted. Dkt. No. 36. Judge Kuo carefully weighed the requisite factors to be considered in reviewing a motion for default judgment, and determined that its entry was warranted. *Id.* at 3-5. Judge Kuo then

recommended that the plaintiffs receive damages in the sum of \$117,561.06, plus post-judgment interest. *Id.* at 21. This was broken down into \$57,051.62 for Kalika Bhagwat; \$53,485.48 for Naresh Persaud; \$6,420 in attorney's fees; and \$603.93 in costs. *Id.* at 21-22. With notice of the time to object given, *see id.* at 22, no party has filed an objection to the R&R, and the time to do so has passed.

Discussion

Where a party has not objected to a report and recommendation, clear-error review applies. *See Dafeng Hengwei Textile Co. v. Aceco Indus. & Commercial Corp.*, 54 F. Supp. 3d 279, 283 (E.D.N.Y. 2014). In accordance with this standard of review, the Court has carefully reviewed Judge Kuo's R&R, and finds it to be correct, well-reasoned, and free of any clear error. The Court, therefore, adopts the R&R, in its entirety, as the opinion of the Court.

Conclusion

For the foregoing reasons, Magistrate Judge Kuo's R&R, Dkt. No. 36, dated September 12, 2018, is adopted in its entirety, as the opinion of the Court.

The Clerk of Court is directed to enter judgment for plaintiff in the amount of \$117,561.06, plus post-judgment interest, which includes \$110,537.10 in statutory damages; \$6,420 in attorney's fees; and \$603.93 in costs.

The Clerk of Court is further directed to close this case.

So Ordered.

Dated: Brooklyn, New York
October 7, 2018

/s/ USDJ ERIC N. VITALIANO
ERIC N. VITALIANO
United States District Judge